

1 AN ACT concerning transportation.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 ARTICLE 5.

5 Section 5-1. Short title. This Article may be cited as
6 the Dixon Railroad Relocation Authority Law.

7 Section 5-5. Legislative declaration. The General
8 Assembly declares that the welfare, health, prosperity, and
9 moral and general well being of the people of the State are,
10 in large measure, dependent upon the sound and orderly
11 development of municipal areas. The City of Dixon has become
12 and will increasingly be the hub of transportation from all
13 parts of the region. Motor vehicle traffic, pedestrian
14 travel, and the safety of both motorists and pedestrians are
15 substantially aggravated by the location of a railroad spur
16 line running through the City of Dixon. The presence of the
17 railroad spur line in the City of Dixon is detrimental to the
18 orderly expansion of industry and commerce and to progress of
19 the region. To alleviate this situation it is necessary to
20 relocate the railroad, to acquire property for relocation of
21 the railroad or highways, and to create an agency to
22 facilitate and accomplish that relocation.

23 Section 5-10. Creation; duration. There is created a
24 body politic and corporate and a unit of local government
25 named the Dixon Railroad Relocation Authority, embracing Lee
26 County. The Authority shall continue in existence until the
27 accomplishment of its objective, the relocation of the
28 railroad spur line running through the City of Dixon or until
29 the Authority officially resolves that it is impossible or
30 economically unfeasible to fulfill that objective.

1 Section 5-15. Acquisition of property. The Authority
2 shall have the power to acquire by gift, purchase, or legacy
3 the fee simple title to real property located within the
4 boundaries of the Authority, including temporary and
5 permanent easements, as well as reversionary interests in the
6 streets, alleys and other public places and personal
7 property, required for its purposes, and title thereto shall
8 be taken in the corporate name of the Authority. Any such
9 property that is already devoted to a public use may
10 nevertheless be acquired, provided that no property belonging
11 to the United States of America or the State of Illinois may
12 be acquired without the consent of such governmental unit.
13 No property devoted to a public use belonging to a
14 corporation subject to the jurisdiction of the Illinois
15 Commerce Commission may be acquired without a prior finding
16 by the Illinois Commerce Commission that the taking would not
17 result in the imposition of an undue burden on intrastate
18 commerce. All land and appurtenances thereto, acquired or
19 owned by the Authority, are to be deemed acquired or owned
20 for a public use or public purpose.

21 Section 5-20. Sale or exchange of property. The
22 Authority shall have the power to sell, transfer, exchange,
23 vacate or assign property acquired for the purposes of this
24 Act as it shall deem appropriate.

25 Section 5-25. Acceptance of grants, loans, and
26 appropriations. The Authority shall have the power to apply
27 for and accept grants, loans, advances, and appropriations
28 from the Federal Government and from the State of Illinois or
29 any agency or instrumentality thereof to be used for the
30 purposes of the Authority, and to enter into any agreement in
31 relation to such grants, loans, advances, and appropriations.
32 The Authority may also accept from the State, any State

1 agency, department or commission, any county or other
2 political subdivision, any municipal corporation, any
3 railroad, or any school authorities, or jointly therefrom,
4 grants of funds or services for any of the purposes of this
5 Article. The Authority shall be treated as a rail carrier
6 subject to the Illinois Commerce Commission's jurisdiction
7 and eligible to receive money from the Grade Crossing
8 Protection Fund or any fund of the State or other source
9 available for purposes of promoting safety and separation of
10 at-grade railroad crossings or highway improvements.

11 Section 5-30. Borrowing money and issuance of bonds.
12 The Authority may incur debt and borrow money from time to
13 time and, in evidence thereof, may issue and sell bonds in
14 such amounts as the Authority may determine, to provide funds
15 for carrying out the purposes of this Article and to pay all
16 costs and expenses incident thereto, and to refund and
17 refinance, from time to time, bonds so issued and sold, as
18 often as may be deemed to be advantageous by the Authority.

19 Section 5-35. Taxing powers. The Authority shall not
20 have the power to levy real property taxes for any purpose
21 whatsoever.

22 Section 5-40. Board; composition; qualification;
23 compensation and expenses. The Authority shall be governed
24 by a board consisting of 5 members. The members of the
25 Authority shall serve without compensation, but may be
26 reimbursed for actual expenses incurred by them in the
27 performance of duties prescribed by the Authority. However,
28 any member of the Authority who serves as secretary or
29 treasurer may receive compensation for services as that
30 officer.

1 Section 5-45. Appointments; tenure; oaths; vacancies.
2 The members of the Authority shall be appointed by the
3 Governor, who shall give notice of the member's selection to
4 each other member within 10 days after selection and before
5 the member's entering upon the duties of office. Three of
6 the members shall be appointed by the Governor from a list of
7 4 candidates provided by the mayor of the City of Dixon, and
8 2 of the members shall be appointed by the Governor from a
9 list of 3 candidates provided by the chairman of the county
10 board of Lee County. Each member of the Authority shall take
11 and subscribe to the constitutional oath of office and file
12 it with the Secretary of State. If a vacancy occurs by
13 death, resignation, or otherwise, the vacancy shall be filled
14 by the Governor. All appointments of members shall be for a
15 3-year term. Each member shall continue to serve an
16 additional 3-year term unless that member is replaced by
17 appointment within 60 days of the end of his or her term.

18 Section 5-50. Removal of members. The Governor may
19 remove from office any Authority member immediately in case
20 of incompetency, neglect of duty, or malfeasance of office,
21 or otherwise upon 15 days written notice to the other
22 members. Absence from any 3 consecutive regular meetings of
23 the Authority shall be deemed neglect of duty.

24 Section 5-55. Organization; chairperson and temporary
25 Secretary. As soon as possible after the appointment of the
26 initial members, the Authority shall organize for the
27 transaction of business, select a chairperson and a temporary
28 secretary from its own number, and adopt bylaws to govern its
29 proceedings. The initial chairperson and successors shall be
30 elected by the Authority from time to time from among the
31 members. The Authority may act through its members by
32 entering into an agreement that a member act on the

1 Authority's behalf, in which instance the act or performance
2 directed shall be deemed to be exclusively of, for, and by
3 the Authority and not the individual act of the member or its
4 represented person.

5 Section 5-60. Meetings; quorum; resolutions. Regular
6 meetings of the Authority shall be held at least quarterly,
7 the time and place of those meetings to be fixed by the
8 Authority. Special meetings may be called by the chairperson
9 or by any 3 members of the Authority by giving notice thereof
10 in writing, stating the time, place, and purpose of the
11 meeting. The notice shall be served by special delivery
12 letter deposited in the mail at least 48 hours before the
13 meeting. A majority of the members of the Authority shall
14 constitute a quorum for the transaction of business. All
15 action of the Authority shall be by resolution and, except as
16 otherwise provided in this Article, the affirmative vote of
17 at least a majority shall be necessary for the adoption of
18 any resolution. The chairperson shall be entitled to vote on
19 any and all matters coming before the Authority.

20 Section 5-65. Secretary and treasurer; oaths; bond of
21 treasurer. The Authority may appoint a secretary and a
22 treasurer, who need not be members of the Authority, to hold
23 office during the pleasure of the Authority, and fix their
24 duties and compensation. Before entering upon the duties of
25 their respective offices, they shall take and subscribe to
26 the constitutional oath of office, and the treasurer shall
27 execute a bond with corporate sureties to be approved by the
28 Authority. The bond shall be payable to the Authority in
29 whatever penal sum may be directed by the Authority
30 conditioned upon the faithful performance of the duties of
31 the office and the payment of all money received by the
32 treasurer according to law and the orders of the Authority.

1 The Authority may, at any time, require a new bond for the
2 treasurer in such penal sum as may then be determined by the
3 Authority.

4 Section 5-70. Deposit and withdrawal of funds;
5 signatures. All funds deposited by the treasurer in any bank
6 or savings and loan association shall be placed in the name
7 of the Authority and shall be withdrawn or paid out only by
8 check or draft upon the bank or savings and loan association,
9 signed by the treasurer and countersigned by the chairperson
10 of the Authority. Subject to prior approval of the
11 designations by a majority of the Authority, the chairperson
12 may designate any other member or any officer of the
13 Authority to affix the signature of the treasurer to any
14 Authority check or draft for payment of salaries or wages and
15 for payment of any other obligation of not more than \$2,500.

16 No bank or savings and loan association shall receive
17 public funds as permitted by this Section unless it has
18 complied with the requirements established under Section 6 of
19 the Public Funds Investment Act.

20 Section 5-75. Delivery of check after executing officer
21 ceases to hold office. If any officer whose signature appears
22 upon any check or draft issued pursuant to this Article
23 ceases to hold office before the delivery of the check or
24 draft to the payee, the officer's signature nevertheless
25 shall be valid and sufficient for all purposes with the same
26 effect as if the officer had remained in office until
27 delivery of the check or draft.

28 Section 5-80. Rules. The Authority may make all rules
29 proper or necessary to carry into effect the powers granted
30 to it. The rules shall be consistent with the guidelines,
31 objectives, and project scope as set out by the Illinois

1 Commerce Commission.

2 Section 5-85. Fiscal year. The Authority shall
3 designate its fiscal year.

4 Section 5-90. Reports and financial statements. Within
5 60 days after the end of its fiscal year, the Authority shall
6 cause to be prepared by a certified public accountant a
7 complete and detailed report and financial statement of the
8 operations and assets and liabilities as related to the Dixon
9 railroad relocation project. A reasonably sufficient number
10 of copies of the report shall be prepared for distribution to
11 persons interested, upon request, and a copy of the report
12 shall be filed with the Illinois Commerce Commission and with
13 the county clerk of Lee County.

14 Section 5-95. Construction. Nothing in this Article
15 shall be construed to confer upon the Authority the right,
16 power, or duty to order or enforce the abandonment of any
17 present property of the railroads or the use in substitution
18 therefor of any property acquired for the railroads in the
19 absence of a contract duly executed by the railroads and the
20 Authority setting forth the terms and conditions upon which
21 relocation of the right of way and physical facilities of the
22 railroads is to be accomplished. No such contract shall be
23 or become enforceable until the provisions of the contract
24 have been approved or authorized by the Illinois Commerce
25 Commission.

26 Section 5-100. Existing contracts, obligations, and
27 liabilities. No contract, obligation, or liability whatever
28 of the railroads to pay any money into the State treasury,
29 nor any lien of the State upon or right to tax property of
30 the railroads, shall be released, suspended, modified,

1 altered, remitted, or in any manner diminished or impaired by
2 the contract with the Authority, and any such charter
3 provisions applicable to the property on which the railroads
4 are now located shall be deemed in full force and effect with
5 respect to any property on which the railroads are relocated
6 in substitution therefor pursuant to the provisions of this
7 Act or any such contract with the Authority pursuant thereto.
8 Notwithstanding, upon order of the Illinois Commerce
9 Commission, the Authority shall succeed to and assume the
10 performance and actions of the represented persons under the
11 terms of the order and amending orders previously entered
12 relative to the Dixon railroad relocation project and
13 consistent with the objectives of the Authority.

14 Section 5-105. Severability. The provisions of this Act
15 are severable under Section 1.31 of the Statute on Statutes.

16 ARTICLE 10.

17 Section 10-5. The 25th Avenue Railroad Relocation and
18 Development Authority Act is amended by changing the title of
19 the Act and Sections 1, 5, 10, 40, 45, 60, and 90 as follows:

20 (70 ILCS 1920/Act title)

21 An Act creating the West Cook 25th--Avenue Railroad
22 Relocation and Redevelopment Authority.

23 (70 ILCS 1920/1)

24 Sec. 1. Short title. This Act may be cited as the West
25 Cook 25th--Avenue Railroad Relocation and Development
26 Authority Act.

27 (Source: P.A. 91-562, eff. 8-14-99.)

28 (70 ILCS 1920/5)

1 Sec. 5. Legislative declaration. The General Assembly
2 declares that the welfare, health, prosperity, and moral and
3 general well being of the people of the State are, in large
4 measure, dependent upon the sound and orderly development of
5 municipal areas. The Village of Bellwood, the Village of
6 Maywood, and the Village of Melrose Park, by reason of the
7 location therein of 25th Avenue and the First Avenue vicinity
8 between Lake Street on the North, Oak Street on the South,
9 the Des Plaines River on the East, and Fifth Avenue on the
10 West and their use for vehicular travel in access to the
11 entire west metropolitan Chicago area, including
12 municipalities in 2 counties, as well as commercial and
13 industrial growth patterns and accessibility to O'Hare
14 International Airport, Midway Airport, manufacturing, and
15 freight related facilities, have become and will increasingly
16 be the hub of transportation from all parts of the region and
17 throughout the west metropolitan area. Motor vehicle
18 traffic, pedestrian travel, and the safety of both motorists
19 and pedestrians are substantially aggravated by the location
20 of a major railroad right of way that divides the Village of
21 Bellwood and the Village of Melrose Park. Additionally,
22 certain development opportunities may exist in the project
23 area that would stabilize and enhance the tax base of
24 existing communities, maintain and revitalize existing
25 commerce and industry, create opportunities for intersurface
26 modal transportation efficiencies, and promote comprehensive
27 planning within and between communities. The presence of the
28 railroad right of way at the 25th Avenue grade crossing is
29 detrimental to the orderly expansion of industry and commerce
30 and to progress of the region. To alleviate this situation
31 it is necessary to relocate the railroad tracks and right of
32 way on 25th Avenue and First Avenue, to separate the grades
33 at crossings ~~erossing~~, to acquire property for relocation or
34 submergence of the railroad or highways, to create an agency

1 to facilitate and accomplish that relocation, and to direct
2 infrastructure and development improvements in the 25th
3 Avenue vicinity between St. Charles Road and Lake Street and
4 the First Avenue vicinity between Lake Street on the North,
5 Oak Street on the South, the Des Plaines River on the East,
6 and Fifth Avenue on the West.

7 Additionally, certain development opportunities may exist
8 in the West Cook County region from Harlem Avenue on the East
9 to I-294 on the West and from Grand Avenue on the North to
10 31st Street on the South that would stabilize and enhance the
11 tax base of existing communities, maintain and revitalize
12 existing commerce and industry, create opportunities for
13 modal transportation efficiencies, and promote comprehensive
14 planning within and between communities.

15 (Source: P.A. 91-562, eff. 8-14-99.)

16 (70 ILCS 1920/10)

17 Sec. 10. Creation; duration. There is created a body
18 politic and corporate, a unit of local government, named the
19 West Cook 25th-Avenue Railroad Relocation and Development
20 Authority, embracing that portion of Proviso Township
21 embracing that portion of the Village of Bellwood and the
22 Village of Melrose Park from St. Charles Road on the South to
23 Lake Street on the North, and from the Indiana Harbor Belt
24 Railroad on the West to 22nd Avenue on the East, Cook County,
25 Illinois and the Village of Maywood, Cook County, Illinois.
26 The Authority shall continue in existence until the
27 accomplishment of its objective, the relocation of the
28 railroad tracks and 25th Avenue, the grade separation of
29 railroads from the right of way and at-grade crossing
30 closures within the Village of Bellwood and the Village of
31 Melrose Park, the grade separation of railroads from the
32 right-of-way and at grade crossing in the First Avenue
33 vicinity between Lake Street, Oak Street, the Des Plaines

1 River, and Fifth Avenue, and the establishment of a
2 transit-oriented intersurface modal development facility in
3 the project area, or until the Authority officially resolves
4 that it is impossible or economically unfeasible to fulfill
5 that objective.

6 (Source: P.A. 91-562, eff. 8-14-99.)

7 (70 ILCS 1920/40)

8 Sec. 40. Board; composition; qualification; compensation
9 and expenses. The Authority shall be governed by a board
10 consisting of 7 5 members. The members of the Authority
11 shall serve without compensation, but may be reimbursed for
12 actual expenses incurred by them in the performance of duties
13 prescribed by the Authority. However, any member of the
14 Authority who serves as secretary or treasurer may receive
15 compensation for services as that officer.

16 (Source: P.A. 91-562, eff. 8-14-99.)

17 (70 ILCS 1920/45)

18 Sec. 45. Appointments; tenure; oaths; vacancies. The
19 members of the Authority shall be appointed by the Governor,
20 who shall give notice of the member's selection to each other
21 member within 10 days after selection and before the member's
22 entering upon the duties of office. Two of the members shall
23 be recommended to the Governor from a list of 3 candidates
24 provided by the village president of the Village of Bellwood,
25 2 of the members shall be recommended to the Governor from a
26 list of 3 candidates provided by the village president of the
27 Village of Maywood, and 2 of the members shall be recommended
28 to the Governor from a list of 3 candidates provided by the
29 village president of the Village of Melrose Park. The office
30 of chairman shall rotate annually and shall represent the
31 Village of Bellwood, the Village of Melrose Park, the Village
32 of Maywood, and the Governor's appointments, respectively,

1 for each of the 3 years of the term of office. Each
2 representative member of the Authority shall take and
3 subscribe to the constitutional oath of office and file it
4 with the Secretary of State. If a vacancy occurs by death,
5 resignation, or otherwise, the vacancy shall be filled by the
6 appropriate selecting party. All appointments of members
7 shall be for a 3-year term. Each member shall continue to
8 serve an additional 3-year term unless that member is
9 replaced by appointment within 60 days of the end of his or
10 her term.

11 (Source: P.A. 91-562, eff. 8-14-99.)

12 (70 ILCS 1920/60)

13 Sec. 60. Meetings; quorum; resolutions. Regular
14 meetings of the Authority shall be held at least quarterly,
15 the time and place of those meetings to be fixed by the
16 Authority. Special meetings may be called by the Chair or by
17 any 4 3 members of the Authority by giving notice thereof in
18 writing, stating the time, place, and purpose of the meeting.
19 The notice shall be served by special delivery letter
20 deposited in the mails at least 48 hours before the meeting.
21 A majority of the members of the Authority shall constitute a
22 quorum for the transaction of business. All action of the
23 Authority shall be by resolution and, except as otherwise
24 provided in this Act, the affirmative vote of at least a
25 majority shall be necessary for the adoption of any
26 resolution. The Chair shall be entitled to vote on any and
27 all matters coming before the Authority.

28 (Source: P.A. 91-562, eff. 8-14-99.)

29 (70 ILCS 1920/90)

30 Sec. 90. Reports and financial statements. Within 60
31 days after the end of its fiscal year, the Authority shall
32 cause to be prepared by a certified public accountant a

1 complete and detailed report and financial statement of the
2 operations and assets and liabilities as relate to the 25th
3 Avenue railroad grade separation project and the First Avenue
4 railroad grade separation project. A reasonably sufficient
5 number of copies of the report shall be prepared for
6 distribution to persons interested, upon request, and a copy
7 of the report shall be filed with the Illinois Commerce
8 Commission and with the county clerk of Cook County.
9 (Source: P.A. 91-562, eff. 8-14-99.)

10 ARTICLE 99.

11 Section 99-1. Effective date. This Act takes effect
12 upon becoming law.